

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>BOOKER LEAN CARTER,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO. 07-4212</b>
	:	
<b>COMMONWEALTH</b>	:	
<b>OF PENNSYLVANIA,</b>	:	
<b>Defendant</b>	:	

**O R D E R**

**STENGEL, J.**

**AND NOW**, this 11th day of February, 2008, upon careful and independent consideration of the petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracapa, it is hereby

**ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for Writ of Habeas Corpus is **DENIED WITHOUT PREJUDICE**.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.